

**United States District Court
For the
Northern District of Indiana**

BOYD H. GILLEM,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:07-CV-581 JVB
)	
WALTER E. MARTIN,)	
)	
Respondent.)	

OPINION AND ORDER

Boyd H. Gillem, a *pro se* prisoner, filed this habeas corpus petition attempting to challenge his placement in segregation for twelve (12) days and his sixty (60) days suspended sentence imposed on September 20, 2007, by the Indiana Department of Corrections (IDOC). (DE #1 ¶3)

A prison disciplinary action can only be challenged in a habeas corpus proceeding where it lengthens the duration of confinement. *Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003). Placement in segregation would not lengthen the duration of Mr. Gillem's confinement. If the IDOC implements the 60-day suspended sentence, however, that could ultimately prolong the time he is in custody. While this claim is not yet ripe, it may become so in the future. Nevertheless, because this petition does not now present any basis for habeas corpus relief, it must be dismissed.

If it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.

SECTION 2254 HABEAS CORPUS RULE 4.

For the foregoing reasons, this habeas corpus petition is **DISMISSED WITHOUT PREJUDICE** to the petitioner's refiling the claim, if the 60-day suspended sentence is implemented.

SO ORDERED on December 21, 2007.

s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen
United State District Judge
Hammond Division